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IAB # SH2320834 / FO2354041

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
**SHERIFF'S DEPARTMENT**
*A Tradition of Service*

DATE: June 9, 2014
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** STEPHEN B. JOHNSON, COMMANDER
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

**SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS**

| | |
|---|---|
| Case Number: | SH2320834 / FO2354041 |
| Incident: | On Duty Hit Shooting / Significant Use of Force |
| Incident Date: | September 17, 2012 |
| Unit: | Lakewood Station |
| Suspect: | Param, Vincent, MO/03-28-85 |
| Involved Employee: | Gregory Berg, #[redacted] |
| EFRC Date: | June 5, 2014 |

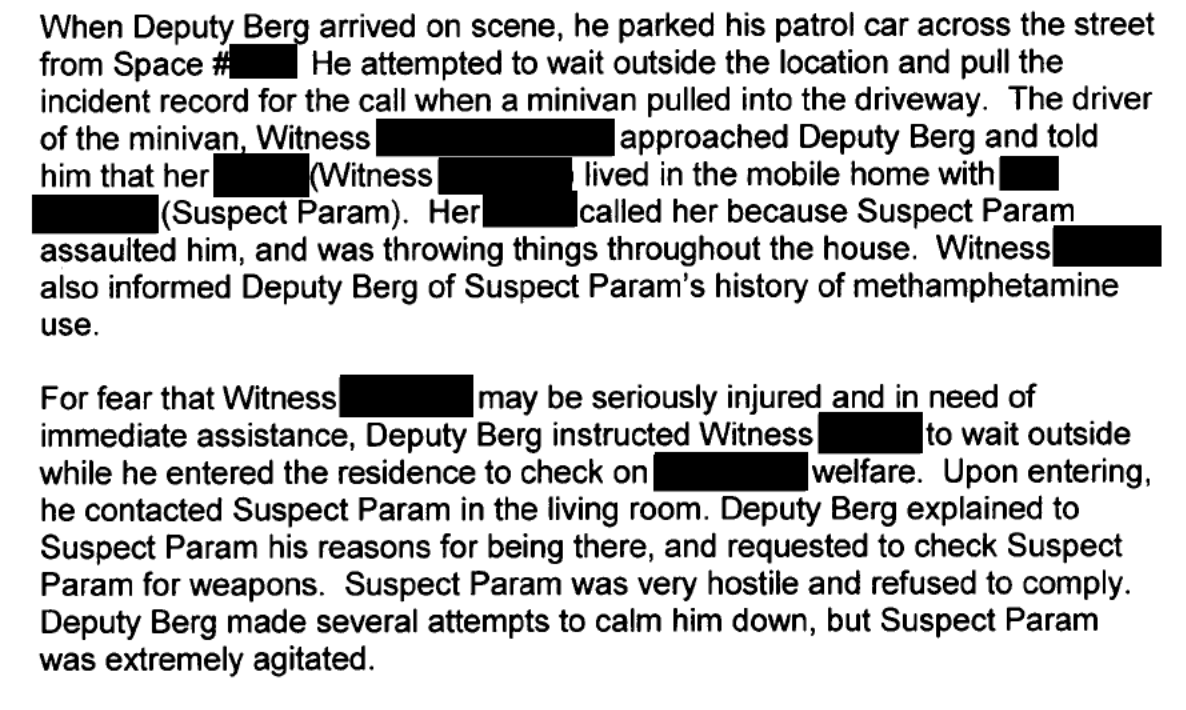
The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

**FORCE POLICY RELATING TO INCIDENT:**

Law enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death, or serious physical injury is about to be inflicted upon themselves or others.

**FINDINGS:**

On Monday, September 17, 2012, at 1931 hours, Deputy Gregory Berg was working Unit 136 in the city of Paramount when he assisted on a family disturbance call at [redacted] Downey Ave, Space #[redacted] The informant on the call, Witness [redacted] stated [redacted] 27 year old [redacted] Suspect Vincent Param, was acting crazy.



When Deputy Berg arrived on scene, he parked his patrol car across the street from Space #[redacted] He attempted to wait outside the location and pull the incident record for the call when a minivan pulled into the driveway. The driver of the minivan, Witness [redacted] approached Deputy Berg and told him that her [redacted] (Witness [redacted] lived in the mobile home with [redacted] (Suspect Param). Her [redacted] called her because Suspect Param assaulted him, and was throwing things throughout the house. Witness [redacted] also informed Deputy Berg of Suspect Param's history of methamphetamine use.

For fear that Witness [redacted] may be seriously injured and in need of immediate assistance, Deputy Berg instructed Witness [redacted] to wait outside while he entered the residence to check on [redacted] welfare. Upon entering, he contacted Suspect Param in the living room. Deputy Berg explained to Suspect Param his reasons for being there, and requested to check Suspect Param for weapons. Suspect Param was very hostile and refused to comply. Deputy Berg made several attempts to calm him down, but Suspect Param was extremely agitated.

As Deputy Berg continued his efforts to defuse the situation, Suspect Param appeared to comply. Suspect Param faced away from Deputy Berg, and placed his arms down to his side. Deputy Berg grabbed Suspect Param's left wrist to begin conducting a pat down search, but Suspect Param turned suddenly and pushed Deputy Berg. Deputy Berg fell back and then immediately advised over the radio he was involved in a fight. Deputy Berg re-engaged Suspect Param, and they began to wrestle in a standing position. They each had a hold of the other's upper torso.

During the struggle, Suspect Param got behind Deputy Berg and wrapped one of his arms around Deputy Berg's neck, placing him in a chokehold. Deputy Berg tucked his chin to his chest and grabbed the suspect's arm. He then dropped his body down and wedged Suspect Param up against a nearby counter. Deputy Berg told the suspect several times to stop fighting and quit resisting; however, Suspect Param continued his assault.

Suspect Param then told Deputy Berg, "This is it for you, remember Buena Park, I'm gonna kill you."

Deputy Berg felt a tug on his gun and attempted to stand up. Suspect Param overpowered Deputy Berg and pushed him back down, causing Deputy Berg to fall to the ground and land on his back. The suspect then mounted Deputy Berg around his waist. As they wrestled on the floor, Deputy Berg's gun came out of the holster, but he maintained possession of it in his right hand. Suspect Param repeated again, "This is it for you, remember Buena Park, I'm

gonna kill you." Suspect Param then grabbed a hold of Deputy Berg's right hand. Deputy Berg ordered the suspect several times to let go. Fearing Suspect Param was attempting to kill him; Deputy Berg directed the barrel of his gun toward Suspect Param's chest and fired four rounds in an upward direction.

Deputy Berg was unsure if his rounds struck Suspect Param because Suspect Param did not appear to be affected by the gunshots. Suspect Param continued fighting and trying to take Deputy Berg's gun from him. Deputy Berg attempted to fire additional rounds at Suspect Param, but his gun did not fire.

Suspect Param then began forcibly turning the barrel of the gun toward Deputy Berg. Deputy Berg struggled to keep the barrel pointed away from him, but Suspect Param was still able to get his finger into the trigger guard, and pulled the trigger; however, the gun continued to malfunction. At this time, Deputy Berg noticed the magazine from his gun falling out of the magazine well. Deputy Berg grabbed the magazine and threw it to the side.

As they continued fighting over possession of the firearm, Deputy Berg felt Suspect Param's strength weakening. Deputy Berg then tucked his feet against Suspect Param's torso and pushed him away. Deputy Berg got to his feet and retrieved his magazine from Witness [redacted] who picked it up during the fight. Deputy Berg placed the magazine back into the well of his firearm and assisting deputies arrived shortly thereafter.

Deputy [redacted] and Deputy [redacted] were the first units on scene to assist. When they entered the location, they observed Suspect Param on the floor covered in blood, and Deputy Berg standing a few feet away, also covered in blood. Deputy [redacted] noticed there was a green knife lying next to Suspect Param on the kitchen floor. She retrieved the knife and placed it on a nearby counter. Deputy [redacted] then attempted to search Suspect Param. She grabbed one of the suspect's hands to turn him over onto his stomach, but he resisted by moving his body around and refusing to lie still. Suspect Param then grabbed ahold of Deputy [redacted] right leg and attempted to pull him down to the ground. Deputy [redacted] stepped on Param's wrist to release his grip. Deputy [redacted] then tased Suspect Param one time. Additional units began arriving on scene, and subsequently handcuffed Suspect Param without further incident.

Paramedics were requested for both Deputy Berg and Suspect Param. Deputy Berg was transported via ambulance to Lakewood Regional Hospital for treatment of pain to his right shoulder and right pinky finger. Suspect Param was treated by paramedics on scene. Suspect Param sustained four gunshot wounds to his torso and was pronounced dead at the location.

The District Attorney's Office reviewed the investigation and authored a Letter of Opinion stating Deputy Berg acted within the law and there would be no further action from the District Attorney.

The EFRC determined the force and tactics used against the suspect were within Department policy.

**RECOMMENDATIONS:**

The EFRC recommended the unit commander, Captain Merrill Ladenheim, conduct a tactical debriefing of the incident specifically addressing vehicle positioning, the safeguarding of informants and the broadcasting of tactical entries.

SBJ:RFI:rfi




# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director


July 22, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #12-0600
LASD File #012-17447-1369-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 17, 2012, fatal shooting of Vincent Param by Los Angeles Sheriff's Department (LASD) Deputy Gregory Berg. It is our conclusion that Deputy Berg acted in lawful self-defense.

The District Attorney's Command Center was notified of the shooting at 8:38 p.m., on September 17, 2012. The District Attorney Response Team (DART), comprised of Deputy District Attorney Kevin Stennis and District Attorney Senior Investigator [redacted], responded and was given a briefing regarding the circumstances of the shooting and a walk-through of the scene.

The following analysis is based on investigative reports prepared by the Los Angeles Sheriff's Department, submitted to this office by Detective Jonas Shipe, LASD Homicide Bureau. Deputy Berg's voluntary statement was considered as part of this analysis.

## FACTUAL ANALYSIS

On the night of September 17, 2012, [redacted] returned home and discovered that his [redacted], Vincent Param, had ripped out the front door screen instead of using his door key. Vincent Param was a 27 year old male that had been living with his 82 year old [redacted] since he was 15.

Param had a history of methamphetamine abuse and had been diagnosed with Attention Deficit Hyperactivity Disorder. An argument ensued between [redacted] and Param over Param ripping out the screen. During the argument, Param hit [redacted] in the back of the head. Param then hit [redacted] with [redacted] cane causing [redacted] to fall to the ground and injure his elbow.


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[redacted] called 9-1-1 and told them he was the victim of elder abuse by his [redacted]. During the 9-1-1 call, Param got on the phone and said his [redacted] was a "demon" that had kidnapped him. During the call, Param sounded agitated, delusional and stated, "I'm not going to leave; I'm going out with a fight, my fists are weapons, you want to bring a gun? Shoot me."

At approximately 7:40 p.m., uniformed LASD patrol Deputy Gregory Berg responded to the location which was located inside a trailer home community on Downey Ave in the City of Paramount. Berg was working a one man car and was the only deputy present when he arrived at the scene. Prior to Berg's arrival, [redacted] had gone to his bedroom to avoid further attacks by Param. Param's [redacted], [redacted] arrived at the location at the same time as Deputy Berg. [redacted] told Berg that her [redacted] ([redacted]) had called her and told her that Param had attacked him. [redacted] also told Berg that Param had a history of methamphetamine use.[1] Fearing for the safety of [redacted], Berg told [redacted] to wait outside while he went inside the home to contact Param and check on [redacted]. Berg entered the door to the kitchen and was immediately confronted by Param.[2] The kitchen was a small space with kitchen knives located on the counter within arm's reach of Param. Berg told Param he needed to check him for weapons and Param replied "Fuck you! I didn't call you, get the fuck out of here!" Berg told him again that he needed to check him for weapons and Param turned around quickly and said "You can see I don't have any weapons on me, get the fuck out of here!"

Param began to comply with Berg's request by putting his arms to his side. Berg grabbed Param's wrist so he could do a pat down search, but Param swung around and pushed Berg. Berg and Param started to struggle and Param was able to get behind Berg and place his arm around Berg's neck into a chokehold. Berg grabbed Param's arm in an attempt to get free from the chokehold and dropped to the ground. Berg yelled at Param to stop fighting. Param told Berg "This is it for you, remember Buena Park, I'm going to kill you!"[3] Berg was now on his knees, felt a tug on his gun[4] and attempted to stand up. Param pushed Berg to the ground. While Berg was on his back, Param got on top and straddled Berg. As they continued struggling, Berg put his right hand on his gun and felt his gun being pulled out of his holster by Param. Param and Berg began to struggle for the gun and Berg (still on his back) shouted "Let go of my gun, let go of my gun!"

Deputy Berg, fearing for his life, was able to remove his gun and fired four rounds into Param's front torso. Param continued to struggle for the gun and somehow turned the barrel towards Berg. Param was able to get his finger into the trigger guard to pull the trigger however the gun magazine was now falling out of the magazine well and the gun did not fire. Berg was able to grab the magazine and toss it to [redacted] (who heard the fight in the kitchen and had come out of his room). Berg tossed the magazine to [redacted] so Param would be unable to discharge a round. Berg noticed that Param's resistance started to weaken. Berg pushed Param from on top

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[1] After the incident, [redacted] told Param's [redacted], that Param had smoked methamphetamine 30 minutes before the assault.

[2] Berg is 6' 220 pounds and Param was a stocky 5'8" 205 pounds.

[3] Deputy Berg said he had no idea what Param meant with the "Buena Park" statement.

[4] Deputy Berg had a Beretta model 92F 9mm Luger serial # BER[redacted]z.

of him. Assisting deputies arrived at the location and helped detain Param on the kitchen floor. Paramedics arrived and pronounced Param dead at the scene. Berg said the entire fight with Param lasted about eight minutes. Berg suffered a separated shoulder, a possible torn ligament in his left pinky finger and scratches to his head, elbow and knees. Toxicology tests done on Param's blood found .03 micrograms per milliliter of amphetamine and .24 micrograms per milliliter of methamphetamine in his system.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"When the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

## CONCLUSION

The evidence examined in this investigation shows that when Deputy Berg arrived at the scene, Vincent Param was in an agitated state and had already attacked his [redacted] When Deputy Berg entered the home to check on [redacted] welfare, he was confronted by Param. When Berg tried to check Param for weapons, Param made it clear he had no intention of complying with his orders. Param attacked Berg in the small kitchen area that had kitchen knives within reach. Param was able to get Berg into a chokehold and take Berg to the ground. Berg fought to get off the ground but Param was able to push Berg back to the ground on his back. Param straddled Berg and tried to remove his gun. In fear that he was losing the struggle with Param, and pinned on his back by Param (who told Berg he would kill

him) Berg was in reasonable fear for his life. Berg fired four shots into Param's torso, ending the threat.

Given the rapidly evolving, life threatening situation that confronted Deputy Berg, we conclude that he acted lawfully in self-defense. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

KEVIN STENNIS
Deputy District Attorney
(213) 974-3888

c: Deputy Gregory Berg #[redacted]

# Los Angeles County Sheriff's Department

## Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 09/17/12 | Lakewood Station | ☐ | ☑ |

### Incident Information

| | |
|---|---|
| URN: 012-17447-1369-013 | Date: 09/17/12   Time: 1940 hours |
| City or Station: Lakewood Station | Nature of Incident: Deputy Berg was involved in a fight with Suspect Param over his duty gun at a family disturbance call. Deputy Berg shot Suspect Param, who was pronounced dead at the scene. |
| Location: [redacted] Downey Avenue, Space # [redacted] Paramount, CA | |

**Location Type (check one or more):**
☐ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☑ Residence
☐ Rural
☐ School
☐ Street
Other: ______

**Lighting (check only one):**
☑ Darkness
☐ Daylight
☐ Other
☐ Street Lights

**Weather (circle only one):**
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

**Distance:** Immediate contact

**Incident Type (check one or more):**
☐ Accidental
☐ Armed Person
☐ Fleeing Suspect
☐ Foot Pursuit
☑ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☑ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other: ______

**Initiated by (check only one):**
☐ Arrest Warrant
☑ Call
☐ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

**Prior Activity (check only one):**
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☐   Canine Unit? ☐

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 4 | 0 |

### Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (check only one) | ShiftType (check only one) |
|---|---|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] | ☐ EM ☑ PM ☐ Day | ☑ Regular ☐ Overtime ☐ Off Duty |
| [redacted] | [redacted] | [redacted] | [redacted] | ☐ EM ☑ PM ☐ Day | ☑ Regular ☐ Overtime ☐ Off Duty |
| | | | | ☐ EM ☐ PM ☐ Day | ☐ Regular ☐ Overtime ☐ Off Duty |

### Non-Employee Witnesses

| Last Name | First Name | M.I. | | | |
|---|---|---|---|---|---|
| [redacted] | [redacted] | | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph | Home Ph: [redacted] | |
| [redacted] | [redacted] | [redacted] | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph | Home Ph: [redacted] | |
| [redacted] | [redacted] | | | | |
| Street Address: [redacted] | City: [redacted] | Zip Code: [redacted] | Work Ph | Home Ph: [redacted] | |

### Supervisors

| Employee # | Last Name | First Name | M.I. | (check one or more): |
|---|---|---|---|---|
| [redacted] | Vizcarra | Dan | | ☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |
| [redacted] | Castaneda | Mario | | ☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting |

### Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Melikidse | Michael | G. |

### Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Lindblom | Eric | R |

**PSTD Use Only**

SH # 2320834 / FO2354041



See Reverse

# Officer Involved Shooting

URN: 012-17447-1369-013



## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 09/17/12 | 2200 | 04/09/14 | |

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Libertone | Patrick | L. |
| [redacted] | Denison | Trent | A. |
| [redacted] | Barron | Eric | A. |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S1 | E1 | PP | | | | | NN | CH |
| E1 | S1 | CT | | | | | NN | SH |
| S1 | E1 | CH | | | | | NN | NK |
| S1 | E1 | PP | | | | | NN | CH |
| S1 | E1 | PH | | | | | DI | SH |
| S1 | E1 | PH | | | | | ST | FI |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | CH |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | CH |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | SH |
| E1 | S1 | FH | BR | 9 | Y | Y | GS | HI |
| S1 | E1 | FH | BR | 9 | Y | Y | NN | |
| S1 | E1 | PH | | | | | NN | HD |
| E1 | S1 | PK | | | | | NN | CH |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

# Officer Involved Shooting
# Involved Employee Information

URN: 012-17447-1369-013



## Involved Employee

**E 1**

| | | | | |
|---|---|---|---|---|
| Employee # [redacted] | Last Name Berg | | First Name Gregory | M.I. L. |
| Sex: M Race: W | Rank: B-1 | Unit Assignment: Lakewood Station | Work Assignment (Unit #, Module, etc.): 136 | |
| ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day | ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: N/A | |
| Hospital Admission? ☑ | Hospital Name: Lakewood Regional | Coroner Case? ☐ | Coroner Case # N/A | Interviewed? ☐ |
| Hrs of sleep prior to shooting: 7-8 hours | Duty Time (hrs): [redacted] | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest | Other Factors: | |
| Age: [redacted] Height: 600 | Weight: 205 | | | |
| Range Qualification Date: [redacted] | | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] Directed Force: [redacted] |
| Weapons Fired Brand: Beretta | Caliber 9mm | # Shots 4 | Weapons Fired Brand: | Caliber # Shots |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] | M.I. |
| Field Training Officer Emp # [redacted] | Last Name [redacted] | | First Name [redacted] | M.I. [redacted] |

**E__**

| | | | | |
|---|---|---|---|---|
| Employee # | Last Name | | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): | |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: | |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: | |
| Age: Height: | Weight: | | | |
| Range Qualification Date: | | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: Directed Force: ☐ |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber # Shots |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |

**E__**

| | | | | |
|---|---|---|---|---|
| Employee # | Last Name | | First Name | M.I. |
| Sex: Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.): | |
| ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day | ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: | |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest | Other Factors: | |
| Age: Height: | Weight: | | | |
| Range Qualification Date: | | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: Directed Force: ☐ |
| Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber # Shots |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |
| Field Training Officer Emp # | Last Name | | First Name | M.I. |



See Other Side

# Officer Involved Shooting
# Suspect Information

URN: 012-17447-1369-013



## Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: Param | | First Name: Vincent | M.I. T. |
| AKA Last Name: Param | | First Name: Vincent | M.I. |
| Sex: M Race: O | Street Address: [redacted] | City [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: [redacted] | Driver's License #: [redacted] |
| Age: 27 D.O.B. 03/28/85 | Height: 508 Weight: 181 | FBI # [redacted] | CII # [redacted] |
| Booking # N/A | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☑ | Coroner Case # 2012-06164 | Intoxication/Drug Usage? ☑ | Substance Used: Methamphetamine |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make N/A | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |

**S**

| | | | |
|---|---|---|---|
| Last Name | | First Name | M.I. |
| AKA Last Name | | First Name | M.I. |
| Sex: Race: | Street Address: | City | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking # | Primary Charge: | Secondary Charge: | |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make | | Model: | Year: |



See Other Side

# INTERNAL AFFAIRS BUREAU
# INVESTIGATIVE SUMMARY

**Incident:** Deputy Involved Hit Shooting

**LASD File #:** 012-17447-1369-013

**IAB File:** SH2320834 / FO2354041

## OPENING STATEMENT

On Monday, September 17, 2012, Internal Affairs Bureau investigators Sergeant Eric Barron, Sergeant Trent Denison, and Lieutenant Patrick Libertone responded to [redacted] Downey Avenue, Space #[redacted] regarding a deputy involved hit shooting in the city of Paramount. Internal Affairs Investigators and the Office of Independent Review were briefed regarding the circumstances of the Deputy Involved Shooting. Sergeant Martin was assigned the administrative review of the incident.

## SYNOPSIS

On Monday, September 17, 2012, at 1931 hours, Deputy Gregory Berg was working Unit 136 in the city of Paramount when he assisted on a family disturbance call at [redacted] Downey Ave, Space #[redacted]. The informant on the call, Witness [redacted] stated his 27 year old [redacted] Suspect Vincent Param, was acting crazy.

When Deputy Berg arrived on scene, he parked his patrol car across the street from Space #[redacted] He attempted to wait outside the location and pull the incident record for the call when a minivan pulled into the driveway. The driver of the minivan, Witness [redacted] approached Deputy Berg and told him that her [redacted] (Witness [redacted]) lived in the mobile home with her [redacted] (Suspect Param). Her [redacted] called her because Suspect Param assaulted him, and was throwing things throughout the house. Witness [redacted] also informed Deputy Berg of Suspect Param's history of methamphetamine use.

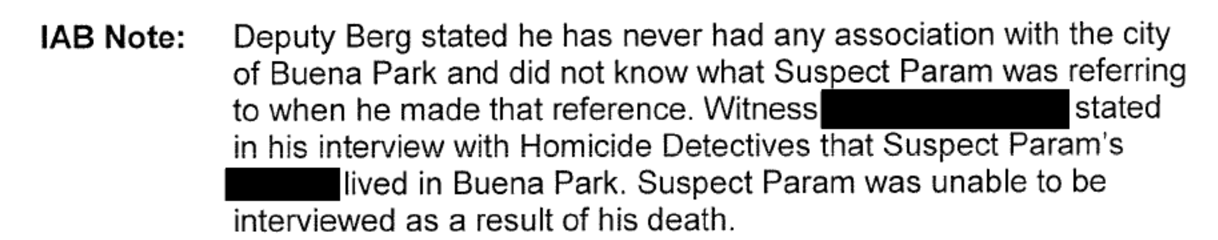
For fear that Witness [redacted] may be seriously injured and in need of immediate assistance, Deputy Berg instructed Witness [redacted] to wait outside while he entered the residence to check on [redacted] welfare. Upon entering, he contacted Suspect Param in the living room. Deputy Berg explained to Suspect Param his reasons for being there, and requested to check Suspect Param for weapons. Suspect Param was very hostile

and refused to comply. Deputy Berg made several attempts to calm him down, but Suspect Param was extremely agitated.

As Deputy Berg continued his efforts to defuse the situation, Suspect Param appeared to comply. Param faced away from Deputy Berg, and placed his arms down to his side. Deputy Berg grabbed Suspect Param's left wrist to begin conducting a pat down search, but Param turned suddenly and pushed Deputy Berg. Deputy Berg fell back and then immediately advised over the radio he was involved in a fight. Deputy Berg re-engaged Suspect Param, and they began to wrestle in a standing position. They each had a hold of the other's upper torso.

During the struggle, Suspect Param got behind Deputy Berg and wrapped one of his arms around Deputy Berg's neck, placing him in a chokehold. Deputy Berg tucked his chin to his chest and grabbed the suspect's arm. He then dropped his body down and wedged Suspect Param up against a nearby counter. Deputy Berg told the suspect several times to stop fighting and quit resisting, however, Suspect Param continued his assault.

Suspect Param then told Deputy Berg, "This is it for you, remember Buena Park, I'm gonna kill you."



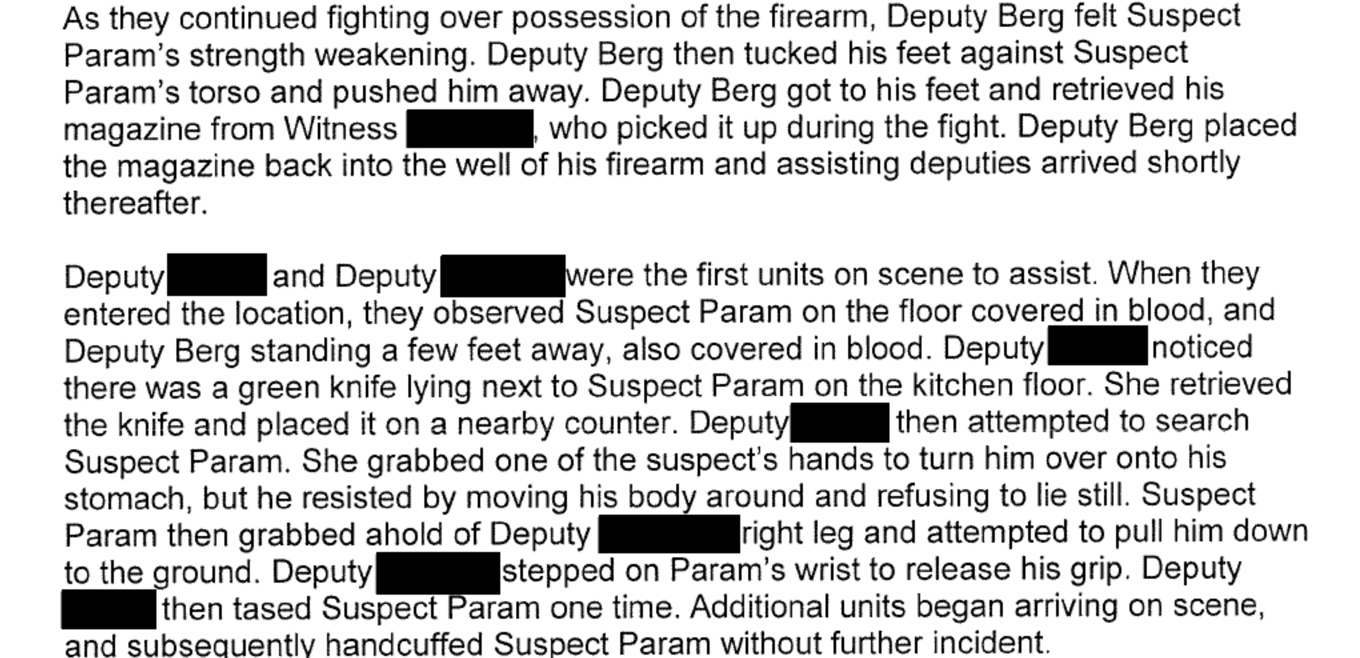
**IAB Note:** Deputy Berg stated he has never had any association with the city of Buena Park and did not know what Suspect Param was referring to when he made that reference. Witness [redacted] stated in his interview with Homicide Detectives that Suspect Param's [redacted] lived in Buena Park. Suspect Param was unable to be interviewed as a result of his death.

Deputy Berg felt a tug on his gun and attempted to stand up. Suspect Param overpowered Berg and pushed him back down, causing Deputy Berg to fall to the ground and land on his back. The suspect then mounted Deputy Berg around his waist. As they wrestled on the floor, Deputy Berg's gun came out of the holster, but he maintained possession of it in his right hand. Suspect Param repeated again, "This is it for you, remember Buena Park, I'm gonna kill you." Suspect Param then grabbed a hold of Deputy Berg's right hand. Deputy Berg ordered the suspect several times to let go. Fearing Suspect Param was attempting to kill him, Deputy Berg directed the barrel of his gun toward Suspect Param's chest and fired four rounds in an upward direction.

Deputy Berg was unsure if his rounds struck Suspect Param, because Suspect Param did not appear to be affected by the gunshots. Suspect Param continued fighting and trying to take Deputy Berg's gun from him. Deputy Berg attempted to fire additional rounds at Suspect Param, but his gun did not fire.

Suspect Param then began forcibly turning the barrel of the gun toward Deputy Berg. Deputy Berg struggled to keep the barrel pointed away from him, but Suspect Param was still able to get his finger into the trigger guard, and pulled the trigger; however, the gun continued to malfunction. At this time, Deputy Berg noticed the magazine from his gun falling out of the magazine well. Deputy Berg grabbed the magazine and threw it to the side.

> **IAB Note:** Deputy Berg's firearm was tested by the Crime Lab and determined to be fully functional. See page 43 of the Homicide Book. According to the Weapons Training Staff, when the magazine to the Beretta 92F becomes unseated, no new rounds will feed into the chamber and the gun will cease to fire.



As they continued fighting over possession of the firearm, Deputy Berg felt Suspect Param's strength weakening. Deputy Berg then tucked his feet against Suspect Param's torso and pushed him away. Deputy Berg got to his feet and retrieved his magazine from Witness [redacted], who picked it up during the fight. Deputy Berg placed the magazine back into the well of his firearm and assisting deputies arrived shortly thereafter.

Deputy [redacted] and Deputy [redacted] were the first units on scene to assist. When they entered the location, they observed Suspect Param on the floor covered in blood, and Deputy Berg standing a few feet away, also covered in blood. Deputy [redacted] noticed there was a green knife lying next to Suspect Param on the kitchen floor. She retrieved the knife and placed it on a nearby counter. Deputy [redacted] then attempted to search Suspect Param. She grabbed one of the suspect's hands to turn him over onto his stomach, but he resisted by moving his body around and refusing to lie still. Suspect Param then grabbed ahold of Deputy [redacted] right leg and attempted to pull him down to the ground. Deputy [redacted] stepped on Param's wrist to release his grip. Deputy [redacted] then tased Suspect Param one time. Additional units began arriving on scene, and subsequently handcuffed Suspect Param without further incident.

Paramedics were requested for both Deputy Berg and Suspect Param. Deputy Berg was transported via ambulance to Lakewood Regional Hospital for treatment of pain to his right shoulder and right pinky finger. Suspect Param was treated by paramedics on scene. Suspect Param sustained four gunshot wounds to his torso and was pronounced dead at the location

Homicide detectives documented their investigation of the incident in their Homicide Book **[Exhibit A]**.

The District Attorney's office reviewed the investigation and authored a Letter of Opinion stating Deputy Berg acted within the law and there would be no further action from the District Attorney. For more information, see the Letter of Opinion **[Exhibit B]**.

## INVOLVED PERSONNEL

Deputy Gregory Berg #[redacted]
Lakewood Station Patrol
Unit 136, Paramount

## WORK HISTORY

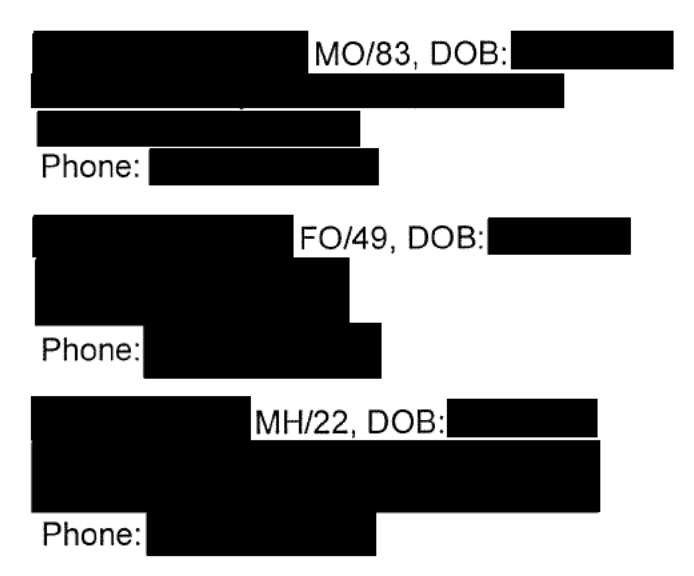
**Department Hire Date:** 04-13-2000
**Date Assigned to Lakewood Station:** 10-30-2005
**Date Completed Patrol Training:** [redacted]
**Prior Shooting Incident(s):** [redacted]

## SUSPECT

Param, Vincent, MO/03-28-1985 (Deceased)
No prior criminal history.
Suspect Intoxication: 0.24 µg/mL – Methamphetamine
< 0.03 µg/mL - Amphetamine
Tests conducted by the Los Angeles County Coroner Office

## WITNESSES

The residential neighborhood near the shooting scene was canvassed for witnesses.



[redacted] MO/83, DOB: [redacted]
[redacted]
Phone: [redacted]

[redacted] FO/49, DOB: [redacted]
[redacted]
Phone: [redacted]

[redacted] MH/22, DOB: [redacted]
[redacted]
Phone: [redacted]

Six additional persons were interviewed by Lakewood Station Patrol, however, those individuals only heard the gunshots, and did not see the actual shooting. Those contacts were documented in supplemental reports contained in the Homicide book.

## INJURIES

Deputy Gregory Berg – Torn ligament in left (5th) finger; Separated right shoulder; torn rotator cuff.
Suspect Param – Four gunshot wounds (Two gunshot wounds to the left chest, one gunshot wound to the left shoulder, one gunshot wound to the left hip); Deceased.

## PHYSICAL EVIDENCE

All physical evidence was collected and documented by Scientific Services Bureau personnel. See pages 37-42 in the Homicide Book for more information.

## WEAPON USED BY DEP BERG

Department issued Beretta 92F, 9mm pistol, Serial# BER[redacted]Z & Department issued 9mm ammunition.

## WEAPON USED BY SUSPECT

Personal weapons.
Gun takeway – Beretta 92F.

## PROPERTY DAMAGE

The following is a description of damage as indicated on the crime lab supplemental reports in the Homicide Book, page 41.

Bullet strike in the south facing kitchen window of trailer #[redacted]
Bullet strike discovered in the exterior north facing wall, along the rafter line of trailer #[redacted] which is located [redacted] the crime scene, [redacted] of trailer #[redacted] and in line with the south facing kitchen window referenced above.

## CRIMINAL INVESTIGATORS

Homicide Detective Jonas Shipe
Homicide Sergeant Domenick Rechhia

## IAB INTERVIEW OF DEPUTY BERG

*Deputy Berg was interviewed by Homicide Investigators on September 28, 2012. A summary of his interview may be found on page 27 in the Homicide Investigation Book. Internal Affairs investigators reviewed the tape recording of the interview and found that Homicide's summary of their interview was an accurate account of what was said.*

*Deputy Berg was interviewed by Internal Affairs Investigators on October 29, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

On September 17, 2012, Deputy Berg worked Lakewood Station, Unit 136. At 1931 hours, he heard a family disturbance call broadcast over the dispatch channel. Unit 136F, Deputies Welby Cham (#[redacted]) and Adriana Rojas (#[redacted]), were assigned the handle on the call, and the SCC dispatcher requested additional units to assist. Deputy Berg advised he would assist and responded from the Paramount Sub-Station.

When Deputy Berg arrived, he drove into the trailer park and parked across the street from Space #[redacted] (location of the call). While waiting in his patrol car, he began pulling the incident record for the call in order to obtain the informant's phone number, when a minivan drove up and parked in the driveway. The driver of the minivan, Witness [redacted], advised Deputy Berg that her [redacted] Witness [redacted], was injured during an assault by his [redacted] Suspect Param. Suspect Param was also throwing things inside of the house. She further advised of Param's history of methamphetamine use.

Based upon Witness [redacted] age, coupled with the information regarding Suspect Param's history of drug use, Deputy Berg feared Witness [redacted] was seriously injured due to Suspect Param's assault, and may be in need of immediate medical assistance or rescue. He advised Witness [redacted] to wait outside while he contacted Witness [redacted] to check on his welfare. Deputy Berg also did not want to allow Witness [redacted] to enter the residence and introduce a fourth party into the situation.

As Deputy Berg entered the residence, he saw Suspect Param standing in the living room, adjacent to the kitchen. Suspect Param appeared agitated from the onset and stated, "What the fuck do you want!" Deputy Berg advised of his reasons for being there, and requested if he could check Suspect Param for weapons. Suspect Param stated, "Fuck you, I didn't call you, get the fuck out of here!" Deputy Berg attempted to reassure Suspect Param several times of his intentions to check on Mr. [redacted] welfare, but Suspect Param remained uncooperative. At one point, Suspect Param did a quick turnaround and stated, "You can see I don't have any weapons on me, get the fuck out of here!"

As they continued exchanging words, Suspect Param appeared to calm down. He turned away from Deputy Berg and dropped his hands down to his side. Deputy Berg placed his left hand on Suspect Param's left wrist in order to place the suspect in a cursory search position, but the suspect quickly spun around and pushed Deputy Berg. Deputy Berg staggered back, and then broadcast over the dispatch channel he was involved in a fight.

Deputy Berg re-engaged Suspect Param, and attempted to control the suspect's arms and take him into custody. As they fought, Suspect Param got behind Deputy Berg and wrapped one of his arms around Berg's neck in a chokehold. Suspect Param also began telling Berg, "This is it for you, I'm going to kill you, remember Buena Park." Deputy Berg then felt Suspect Param tug on his firearm. Deputy Berg reacted by pinning his right hand to his gun to prevent it from being un-holstered. Deputy Berg was also able to tuck his chin to his chest, and prevent Suspect Param from restricting his airway. Deputy Berg felt the pressure applied to his neck by Suspect Param was sufficient enough for him to lose consciousness. He knew he was in a life or death situation, and it was necessary to make every attempt to get away from Suspect Param.

Deputy Berg finally overcame Suspect Param's chokehold by dropping down to the ground. Deputy Berg then used his body weight to keep Suspect Param pinned against the counter. With continued fear that Suspect Param was attempting to kill him, he tried to get to his feet and create some distance between them; however, Suspect Param would not allow Deputy Berg to get away. Suspect Param overpowered Berg and pushed him down onto the ground. Deputy Berg ended up on his back, and Suspect Param got over the top of him and straddled Berg around his waist. Deputy Berg knew if he couldn't get out from underneath Suspect Param he was going to lose the fight, and his life. Deputy Berg attempted to use his body weight to thrust Suspect Param off of him, but he was unable to due to the tight quarters in which they fought. Throughout the fight, Suspect Param continued to repeat "This is it for you, I'm going to kill you, remember Buena Park."

While Deputy Berg was on his back, he continued to maintain his right hand on his gun for retention purposes. Deputy Berg had no way to get out from underneath Suspect Param. He yelled at Suspect Param several times to get off of him, but Param used his right arm to push down on Deputy Berg's chest, which effectively kept Berg pinned down on the ground. Suspect Param then used his left hand to pull on Deputy Berg's right wrist. This eventually led to Berg's gun coming out of the holster. Deputy Berg feared for his life, and directed his firearm toward the suspect's chest. He stated he fired three rounds at Suspect Param's torso in order to save his own life.

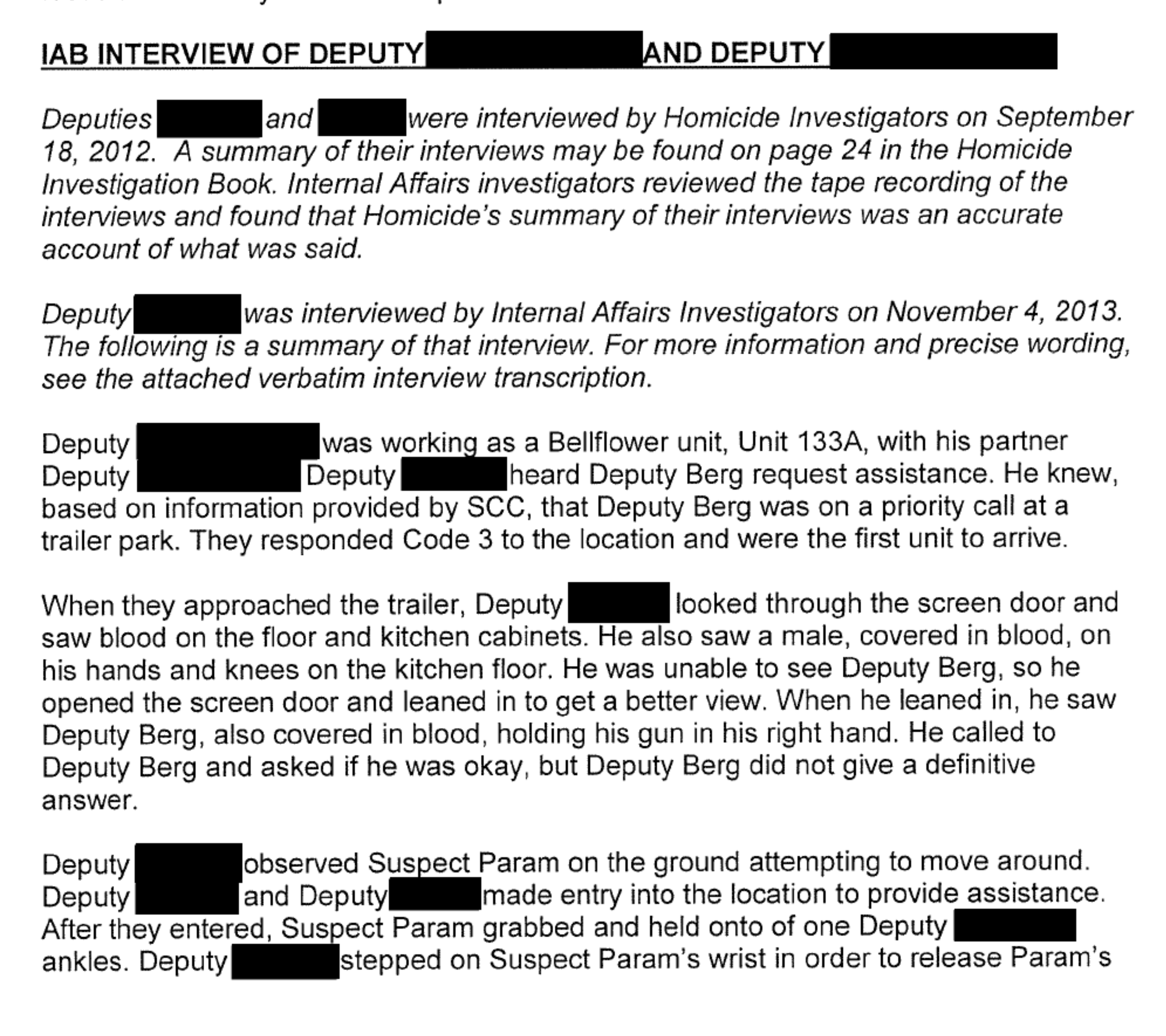
**IAB Note:** According to the Scientific Services Bureau, four expended cartridges were recovered from the scene; one of which was recovered from the chamber of Deputy Berg's firearm, see pages 41-42 of the Homicide Book.

After Deputy Berg fired the shots, he did not see a reaction from Suspect Param. Suspect Param continued to fight for the gun with the same intensity as before the gunshots. Deputy Berg thought he missed the suspect, and attempted to fire additional rounds; however, Deputy Berg's gun jammed. Deputy Berg pulled the trigger several more times, to no avail. Deputy Berg also saw the magazine for his gun falling out of the magazine well. He grabbed the magazine and tossed it backwards over him.

As the fight continued, Suspect Param was unhindered by the four gunshots to his torso, and attempted to turn the barrel of the gun towards Deputy Berg. Suspect Param pushed on the barrel with his right hand, and pulled the trigger with his left hand. The gun was still inoperable at the time, and no rounds were fired.

Deputy Berg felt Suspect Param's strength begin to weaken, which allowed him to tuck his feet against Suspect Param's torso and push Param off of him. Deputy Berg got to his feet and separated from Suspect Param. He then retrieved his magazine from Witness [redacted], and put it back into his gun. Suspect Param tried to get to his feet, but slipped on the floor and couldn't get up.

Shortly thereafter, assisting deputies arrived on scene. Deputy Berg remembered hearing someone state, "Tase him," but then the pain from his injuries set in, and his focus shifted away from the suspect.



**IAB INTERVIEW OF DEPUTY [redacted] AND DEPUTY [redacted]**

*Deputies [redacted] and [redacted] were interviewed by Homicide Investigators on September 18, 2012. A summary of their interviews may be found on page 24 in the Homicide Investigation Book. Internal Affairs investigators reviewed the tape recording of the interviews and found that Homicide's summary of their interviews was an accurate account of what was said.*

*Deputy [redacted] was interviewed by Internal Affairs Investigators on November 4, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

Deputy [redacted] was working as a Bellflower unit, Unit 133A, with his partner Deputy [redacted] Deputy [redacted] heard Deputy Berg request assistance. He knew, based on information provided by SCC, that Deputy Berg was on a priority call at a trailer park. They responded Code 3 to the location and were the first unit to arrive.

When they approached the trailer, Deputy [redacted] looked through the screen door and saw blood on the floor and kitchen cabinets. He also saw a male, covered in blood, on his hands and knees on the kitchen floor. He was unable to see Deputy Berg, so he opened the screen door and leaned in to get a better view. When he leaned in, he saw Deputy Berg, also covered in blood, holding his gun in his right hand. He called to Deputy Berg and asked if he was okay, but Deputy Berg did not give a definitive answer.

Deputy [redacted] observed Suspect Param on the ground attempting to move around. Deputy [redacted] and Deputy [redacted] made entry into the location to provide assistance. After they entered, Suspect Param grabbed and held onto of one Deputy [redacted] ankles. Deputy [redacted] stepped on Suspect Param's wrist in order to release Param's

hold. Deputy [redacted] shifted his focus back and forth from Param's grip on his ankle, to Berg's status. Deputy [redacted] was also unaware of any other occupants inside the home. Deputy [redacted] instructed Deputy [redacted] to tase the suspect. Deputy [redacted] tased Suspect Param, but it did not appear to have effect. Suspect Param did not flinch or react to the tasing. Additional deputies arrived on scene and assisted with handcuffing the suspect. Deputy [redacted] then requested medical assistance for Suspect Param.

*Deputy [redacted] was interviewed by IAB investigators on November 14, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

Deputy [redacted] entered with her partner, Deputy [redacted] and attempted to search Suspect Param while he was on the ground. As she first made contact with him, he kicked his legs and moved his torso back and forth. She instructed him to stop moving, but Suspect Param did not comply. She then grabbed one of his arms in order to turn him over onto his stomach. As she did this, he reached over with his free hand and grabbed Deputy [redacted] right ankle. Suspect Param attempted to pull Deputy [redacted] to the ground. Deputy [redacted] ordered her to use the taser in order to stop Suspect Param's aggression, and prevent him from pulling Denney to the ground. Deputy [redacted] tased the suspect once with her department issued Taser X-26. The taser had little effect on Suspect Param. He continued to kick his legs and move his arms around. Shortly thereafter, Deputies Ginger Matson (#[redacted]) and Sergio Santoyo (#[redacted] arrived and assisted with handcuffing. Suspect Param was handcuffed without further incident.

**IAB Note:** A copy of the "Recorded Firing Data" from the Taser X-26 deployed by Deputy [redacted] may be found in **Exhibit C**.

## SUSPECT STATEMENTS

None – Deceased

## WITNESSES STATEMENTS

*Witness [redacted] and Witness [redacted] were interviewed by Homicide Investigators on September 17, 2012. The following is a summary of those interviews. For more information and precise wording, see the attached verbatim interview transcription.*

Witness [redacted] was the [redacted] of Suspect Vincent Param. Witness [redacted] called 9-1-1 because Suspect Param assaulted him, and was throwing things throughout the house. After the incident, Witness [redacted] retreated to his bedroom to avoid further conflict.

When Deputy Berg arrived, Suspect Param was standing by the stove in the kitchen. Deputy Berg contacted Suspect Param, and they spoke briefly. He saw Suspect Param push Deputy Berg, and the two then grappled for approximately two minutes. He lost sight of them from his vantage point in the bedroom, but he heard the ongoing fight.

When he looked toward the kitchen, he saw Suspect Param on top of Deputy Berg. He then heard three gunshots. After the shots, Suspect Param remained on top of Deputy Berg, which prevented Berg from getting away. Deputy Berg then threw his gun over toward him. Witness [redacted] recovered the gun, but later gave it back to Deputy Berg when additional deputies arrived and gained control of Suspect Param.

> **IAB Note:** Deputy Berg stated he threw the magazine from his gun, but retained his firearm.

Witness [redacted] lived in trailer space #[redacted] which was [redacted] from the location of the incident (Space #[redacted]). He stated he was inside of his bedroom when he looked outside of a window and saw an "old lady" (Witness [redacted]) and an "officer" (Deputy Berg) walking toward space #[redacted] Witness [redacted] stepped out of his trailer to get a better view of what was going on.

After Deputy Berg entered the location with Witness [redacted] he heard voices mumbling. Approximately three minutes later, he heard Suspect Param yelling, "Get off of me," as though he wanted to be left alone. Witness [redacted] described hearing Deputy Berg yell at Suspect Param in a strong, controlling tone, "Get down! Get off of me, get off of me!" Witness [redacted] could not see the inside of the trailer, but he could see shadows moving behind the curtains. Then, he heard rumbling noises resembling a fight. During the altercation, he heard Witness [redacted] yell, "Don't do it, don't do it!"

Witness [redacted] also described hearing growling type noises coming from Suspect Param, followed by three loud gunshots. There was a brief pause, and then he heard an additional gunshot.

*Witness [redacted] was interviewed by Homicide Investigators on September 17, 2012. A summary of her interview may be found in the Homicide Investigation Book on page 23. Internal Affairs investigators reviewed the tape recording of the interviews, and found there were several portions of the interview which were inaudible.*

*Witness [redacted] was interviewed by Internal Affairs Investigators on November 14, 2013. The following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.*

Witness [redacted] stated she received a phone call from her [redacted] Witness [redacted] regarding an altercation he had with Suspect Param. During the conversation,

Witness [redacted] told her Param had pushed him, which caused him to fall to the ground and scrape his elbow. Witness [redacted] then drove to her [redacted] residence.

While driving to Witness [redacted] house, Witness [redacted] feared someone, including herself, would possibly be killed. She further elaborated about an incident which occurred several weeks prior, wherein she described Suspect Param's mental state as getting worse from bouts of depression and bipolar disorder. She said Suspect Param would get upset over nothing, and heard voices in his head. He was at a low point in his life and abusing methamphetamine. She was hoping to get him counseling or held for mental observation.

When she arrived at the location, she saw Deputy Berg park his vehicle across the street from space #[redacted] while she parked in the driveway. She made contact with Deputy Berg and informed him of what her [redacted] told her over the phone regarding the fight, as well as, Suspect Param's history of methamphetamine use.

Deputy Berg went inside the trailer, and Witness [redacted] followed directly behind him. When Deputy Berg contacted Suspect Param, Deputy Berg gave him instructions to "Give me your hands" and to "Turn around." Suspect Param responded by turning around twice, and stating, "Let's just talk." Deputy Berg told him to turn around again, and then placed a hand on Suspect Param's left shoulder. Suspect Param reacted by swatting at Deputy Berg's hand. Witness [redacted] described the swatting motion as Suspect Param not wanting to be touched. Immediately after this, Deputy Berg and Suspect Param began wrestling. As soon as the wrestling began, Witness [redacted] stepped out of the trailer and onto the porch where she could only view a portion of the inside of the trailer.

As Deputy Berg and Suspect Param wrestled, she heard Suspect Param state, "I'm not hurting you." She also heard Deputy Berg saying, "Get off of me, get off of me." Witness [redacted] looked inside and saw Deputy Berg sitting on the floor, looking "Wiped out." She described Suspect Param as looking "hyper," and not at all tired.

Both Deputy Berg and Suspect Param got back to their feet when they started wrestling again. As they fought, Deputy Berg began reaching for his gun. Suspect Param was also making a motion toward Deputy Berg's gun; Witness [redacted] described the motion as though Suspect Param was trying to slap the gun away. Witness [redacted] then stepped back toward the porch again and began saying, "No, no, no." A few minutes later, she heard gunshots. She did not see the gunshots, but believed it may have been Suspect Param that fired the gun for reasons she could not explain. She stated she thought Suspect Param had taken Deputy Berg's gun from him.

Witness [redacted] remained on the porch after the gunshots. She later saw Suspect Param lying on his back on the kitchen floor. Additional deputies arrived on scene, and she directed them to the inside of the trailer. She saw Suspect Param trying to lift his

head and arm up, when the male deputy (Deputy [redacted] stepped on Suspect Param's arm. A female deputy (Deputy [redacted] then ordered Suspect Param to not move or he would be tased. Suspect Param attempted to answer her when Deputy [redacted] tased him. After the tasing, she (Witness [redacted] was led away from the home.

## ADDITIONAL INFORMATION

Due to a power outage and disruption of phone lines at Lakewood Station, Norwalk Station fielded the original 9-1-1 call placed by Witness [redacted] Norwalk Station typed in the call, and forwarded the information to Lakewood Station. At one point during the 9-1-1 call, Suspect Param is heard on the phone and said his [redacted] (Witness [redacted] was a "demon" that had kidnapped him. He further stated, "I'm not leaving here, and I'm going out with a fight if you do." When asked about weapons by the dispatcher, Suspect Param stated, "Yeah, I have my fists; do you want to bring a gun? Shoot me."

**IAB Note:** A copy of the audio from the 9-1-1 call can be found in the attached compact disc, Exhibit D. This information was not forwarded to Deputy Berg prior to arriving at the call, either through L-TAC or the MDT; see pages 13-14 of the IAB Interview. The Incident History Report for the call, Tag# 396, can be found on pages 48-50 of the Homicide Book.